

Kevin R. Sutherland (State Bar No. 163746)
 Natasha N. Mikha (State Bar No. 270731)
 CLYDE & CO US LLP
 355 S. Grand Avenue, 14th Floor
 Los Angeles, California 90071
 Telephone: (213) 358-7600
 Facsimile: (213) 358-7699
 Email: kevin.sutherland@clydeco.us
 natasha.mikha@clydeco.us

Jeffrey J. Ellis (admitted *pro hac vice*)
 CLYDE & CO US LLP
 405 Lexington Avenue, 16th Floor
 New York, New York 10174
 Telephone: (212) 710-3900
 Facsimile: (212) 710-3950
 Email: jeff.ellis@clydeco.us

Attorneys for Defendant
 FRONTIER AIRLINES, INC.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ANDREA RIDGELL, on behalf of)	Case No.: 2:18-CV-04916 PA (AFMx)
herself and others similarly situated,	}
Plaintiff,	
v.	
FRONTIER AIRLINES, INC. a)	Date: June 17, 2019
Colorado corporation; AIRBUS S.A.S.,	Time: 1:30 p.m.
a foreign corporation doing business in)	Place: Courtroom of the Honorable Percy
the State of California; AIRBUS)	Anderson
GROUP HQ, INC., a corporation doing)	
business in the State of California,	
Defendants.	

TO THE CLERK OF THE COURT, ALL PARTIES AND THEIR
 ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 17, 2019, at 1:30 p.m., or as soon
 thereafter as the matter may be heard in this Court, located at 350 W. 1st Street,
 Courtroom 9A, 9th Floor, Los Angeles, California 90012, the Honorable Percy
 Anderson presiding, Frontier Airlines, Inc. ("Frontier") will move for an order

6038403

CLYDE & CO US LLP
 355 S. Grand Avenue, 14th Floor
 Los Angeles, California 90071
 Telephone: (213) 358-7600

granting summary judgment in its favor and against plaintiff Andrea Ridgell, pursuant to Federal Rule of Civil Procedure 56, on the grounds that:

1. Federal control over aviation and aviation safety is "intensive and exclusive," and Frontier cannot be held liable for operating an aircraft that the US Federal Aviation Administration ("FAA") has certified as airworthy, or for not warning about a condition which the FAA has not deemed to be unsafe;

2. The pervasive regulations test, nature of the subject matter test and the Airline Deregulation Act all preclude the use of state law, as federal standards exclusively govern liability; and

3. Even if plaintiff's claims were not exclusively governed by federal law, plaintiff cannot establish any of her causes of action against Frontier as a matter of law.

This motion will be based upon this Notice of Motion and Motion for Summary Judgment, the Memorandum of Points and Authorities in support thereof and filed concurrently herewith, the Declarations of James Nides, Henry Villareal and Brittany Shamburger in support thereof and filed concurrently herewith, the Statement of Uncontroverted Facts and Conclusions of Law in support thereof and filed concurrently herewith, all other papers, pleadings and records on file herein and upon such oral argument as may be heard at the time of hearing of this matter. This motion is made following conferences of counsel pursuant to L.R. 7-3, which took place on numerous occasions, including during counsels' Rule 26 conference on August 28, 2018 and during counsel's conference regarding plaintiff's motion for class certification on October 22, 2018.

//

//

//

//


//

6038403

CLYDE & CO US LLP
355 S. Grand Avenue, 14th Floor
Los Angeles, California 90071
Telephone: (213) 358-7600

Dated: May 20, 2019

CLYDE & CO US LLP

By: 

KEVIN R. SUTHERLAND
NATASHA N. MIKHA
Attorneys for Defendant
FRONTIER AIRLINES, INC.

CLYDE & CO US LLP
355 S. Grand Avenue, 14th Floor
Los Angeles, California 90071
Telephone: (213) 358-7600

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years, and not a party to the within action. My business address is 633 West 5th Street, 26th Floor, Los Angeles, California 90071.

On May 20, 2019, I served the document(s) described as:

FRONTIER AIRLINES INC.'S NOTICE OF MOTION
AND MOTION FOR SUMMARY JUDGMENT

on the parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

in the following manner:

☐ **(BY FAX):** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

☐ **(BY MAIL):** as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

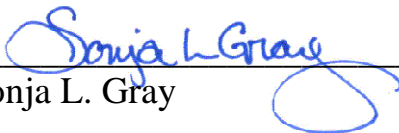
☐ **(BY OVERNIGHT DELIVERY):** I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.

☐ **(BY PERSONAL SERVICE):** I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).

☒ **(BY CM/ECF):** by electronic filing system with the clerk of the Court which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have filed a Notice of Consent to Electronic Service in this action:

I declare I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 20, 2019, at Los Angeles, California.


Sonja L. Gray

CLYDE & CO US LLP
355 S. Grand Avenue, 14th Floor
Los Angeles, California 90071
Telephone: (213) 358-7600

SERVICE LIST

Marcus J. Bradley, Esq. (SBN 174156)
Kiley L. Grombacher, Esq. (SBN 245960)
BRADLEY/GROMBACHER LLP
2815 Townsgate Road, Suite 130
Westlake Village, California 91361
Tel: (805) 270-7100
Fax: (805) 270-7100
E-Mail: mbradley@bradleygrombacher.com
kgrombacher@bradleygrombacher.com

Attorneys for Plaintiff

Kristi D. Rothschild, Esq. (SBN 222727)
Julian Alwill, Esq. (SBN 259416)
ROTHSCHILD & ASSOCIATES, APC
27 W. Anapamu Street, Suite 289
Santa Barbara, California 93101
Tel: (805) 845-1190
Fax: (805) 456-0132
E-Mail: krrothschild@kdrllawgroup.com
jalwill@kdrllawgroup.com

Attorneys for Plaintiff